

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

ACE American Insurance Company,
as subrogee of SW Gaming, LLC,
d/b/a Harlow's Casino and Resort,

Plaintiff,

CIVIL ACTION FILE NO.:
4:11-CV-00146-WAP-JMV

vs.

E. Cornell Malone Corporation d/b/a
Malone Roofing, LLC; Paul Gerald
Foote, in his Individual Capacity; Paul
Gerald Foote d/b/a P. Gerald Foote &
Associates; KBA Incorporated; and
Advanced Roofing Systems.

Defendants.

_____ /

E. Cornell Malone Corporation d/b/a
Malone Roofing, LLC,

Third-Party Plaintiff,

vs.

Shaker Construction Group, LLC

Third-Party Defendant.

**STIPULATION OF DISMISSAL WITH PREJUDICE
AS TO DEFENDANT E. CORNELL MALONE
CORPORATION D/B/A MALONE ROOFING, LLC**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff ACE American Insurance Company hereby dismisses with prejudice all of its claims against Defendant E. Cornell Malone Corporation d/b/a Malone Roofing, LLC.

This 28th day of December, 2012.

s/ David M. Bessho

David M. Bessho

Admitted Pro Hac Vice

Cozen O'Connor

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Stipulated and agreed to by:

s/ Jay M. Atkins

Jay M. Atkins #100513

H. Case Embry

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Oxford, MS 38655

s/ William M. Vines

William M. Vines #9902

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing pleading via this Court's electronic filing system upon all parties of record as follows:

Jay M. Atkins
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William M. Vines
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Post Office Box 1163
Jackson, MI 39215

This 28th day of December, 2012.

s/ David M. Bessho